

8915-0040/kag

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JASON HOUSTON,

Plaintiff,

-against-

ANSWER

08 CIV 0968 (SCR)

CITY OF POUGHKEEPSIE, NEW YORK, its officers, agents,
and employees and OFFICER CRONK, individually and as an
employee of the City of Poughkeepsie,

Defendants.
-----X

The defendants, by their attorneys, McCabe & Mack, LLP, as and for their answer to
the complaint of the plaintiff respectfully show to the Court and allege as follows:

PARTIES

1. Deny knowledge or information sufficient to form a belief as to the truth of the
allegations contained in paragraphs numbered "1" and "14" of the complaint.
2. Deny those allegations contained in paragraphs numbered "3", "4", "11", "12",
"13" and "15" of the complaint.

COUNT I

3. Repeat, reiterate and reallege each and every denial to each and every
allegation contained in paragraphs numbered "1" through "15" and incorporated by reference
in paragraph "17" of the complaint as if the same were more fully set forth herein at length.
4. Deny those allegations contained in paragraphs numbered "18", "19" and "20"
of the complaint.

COUNT II

5. Repeat, reiterate and reallege each and every denial to each and every

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allegation contained in paragraphs numbered "1" through "20" and incorporated by reference in paragraph "22" of the complaint as if the same were more fully set forth herein at length.

6. Deny those allegations contained in paragraphs numbered "23", "24", "26", "27", "28", "29", "30" and "31" of the complaint.

7. With regard to paragraph numbered "25" of the complaint, admit only that Cronk is a police officer employed by the City of Poughkeepsie.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

8. Defendant, Cronk, acted in good faith and is entitled to qualified immunity.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

9. Defendant, Cronk, had sufficient cause for the investigatory stop of plaintiff.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

10. All force used, if any, was reasonable and necessary.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

11. The complaint fails to state a claim against the City of Poughkeepsie.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

12. Punitive damages are not recoverable against a municipality.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

13. The Court lacks jurisdiction over defendant, Cronk, due to an insufficiency of service of process.

WHEREFORE, the defendants demand judgment dismissing the complaint of the

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plaintiff herein, plus the costs and disbursements of this action and for such other and further relief as to the Court may seem just and proper.

DATED: Poughkeepsie, New York
April 28, 2008

Yours, etc.

McCABE & MACK LLP

By: 
David L. Posner (0310)

Attorneys for Defendants
63 Washington Street
P.O. Box 509
Poughkeepsie, NY 12602-0509
Tel: (845) 486-6800

TO: STEPHEN P. O'HARE, ESQ.
Attorneys for Plaintiff
488 Freedom Plains Road, Suite 103
Poughkeepsie, NY 12603